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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/927,692	08/10/2001	Gerard Stephan	210308-Adapter	6102
4988	7590	02/12/2004	EXAMINER	
ALFRED M. WALKER 225 OLD COUNTRY ROAD MELVILLE, NY 11747-2712			MAI, TRI M	
			ART UNIT	PAPER NUMBER
			3727	16
DATE MAILED: 02/12/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/927,692

Applicant(s)

STEPHAN, GERARD

Examiner

Tri M. Mai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,4 and 5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4 and 5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

### **DETAILED ACTION**

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

#### ***Claim Rejections - 35 USC § 103***

2. Claims 1, 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeJong (6415937). DeJong teaches an adapter ring with a internal and external threads as claimed having a cylindrical ring 28 having an internal void therein, female threads 50 on an inner wall of the ring, the cylindrical ring has an external male threads on an outer wall 60, a resilient sealing flange 68 with a flat bottom, and a top chamber.

With respect to the sealing flange being flat on top surfaces, it would have been obvious to one of ordinary skill in the art to provide the sealing ring in DeJong with a flat top to provide an alternative shape for the sealing ring. It is noted that the claimed sealing ring with a flat top does not impart any functional differences over the sealing ring in DeJong. The claimed ring is nothing more than one of numerous designed shapes.

With respect to the top chamber, it would have been obvious to one of ordinary skill in the art to eliminate portion 54 when the functionality of coupling the top with different sized nipples is not needed and/or desired.

#### ***Response to Arguments***

3. Applicant's arguments filed 09/06/02 have been fully considered but they are not persuasive. With respect to the DeJong reference, applicant argues that DeJong fails to teach the resilient ring with flat top and bottom surfaces. As set forth above, it would have been obvious to one of ordinary skill in the art to provide the sealing ring in DeJong with a flat top to provide

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an alternative shape for the sealing ring. It is noted that the claimed sealing ring with a flat top does not impart any functional differences over the sealing ring in DeJong. The claimed ring is nothing more than one of numerous designed shapes. With respect to the argument that the shape in DeJong does not impart resiliency, it is submitted that resiliency is inherent with the device being made from plastic material, similar to the material in DeJong. The sealing between the bottle and the device is made by the flat lower surface of the ring, this is exactly what is shown in DeJong, the top flat surface does not impart any functional differences over how well the seal with the bottle is made. Furthermore, the angled top surface of DeJong is made to provide added structural integrity. Obviously, one of ordinary in the art can eliminate the angled portion when its functionality when it is not desired. See, Ex parte Rainu, 168 USPQ 375 (PTO Bd. Of App. 1969).

Furthermore, with respect to the top chamber, it would have been obvious to one of ordinary skill in the art to eliminate portion 54 when the functionality of coupling the top with different sized nipples is not needed and/or desired. See, Ex parte Rainu, 168 USPQ 375 (PTO Bd. Of App. 1969).

### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri M. Mai whose telephone number is (703)308-1038. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lee W Young can be reached on (703)308-2572. The fax phone numbers for the

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organization where this application or proceeding is assigned are (703)305-3579 for regular communications and (703)305-3579 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-1148.

Tri M. Mai  
Examiner  
Art Unit 3727



February 11, 2004